

Environmental Guidebook For Realty Specialists

July 1998



Office of Property Disposal

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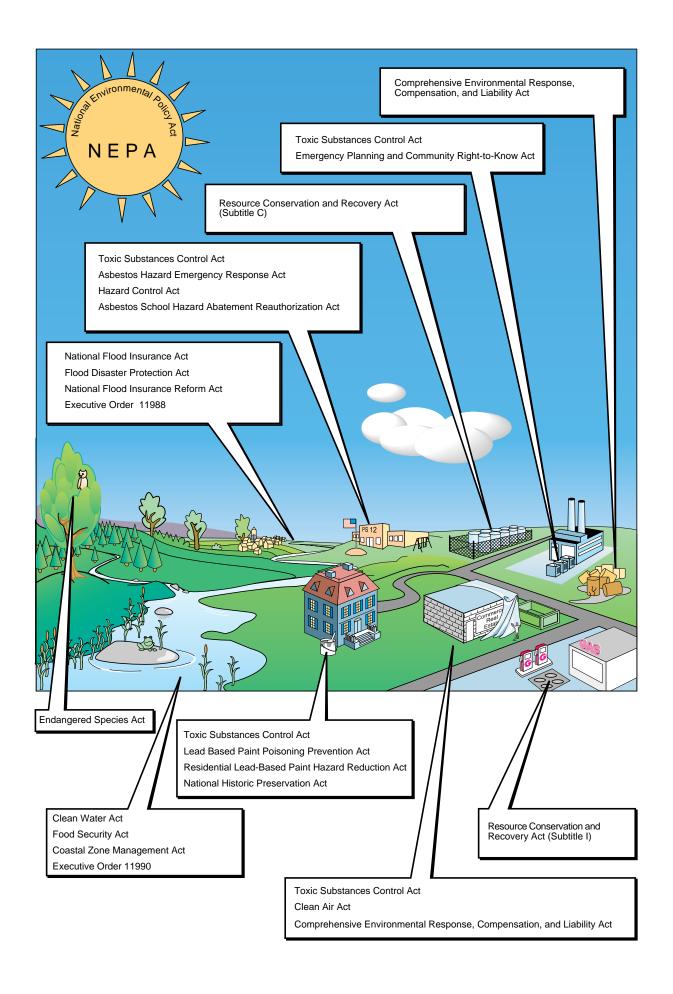
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General Services Administration

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General Services Administration Public Buildings Service Office of Property Disposal Environmental Guidebook

The Environmental Guidebook is designed to provide the Realty Specialist in the Office of Property Disposal with an easy-to-apply framework for achieving compliance with environmental laws and regulations that are applicable to the acceptance and disposal of real property.

Realty Specialists should conduct an onsite inspection of all property prior to acceptance.

Topic	Acceptance	Disposal
National Environmental Policy Act (NEPA)		
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)		
Underground Storage Tanks (UST)		
Asbestos		
Lead-Based Paint		
Polychlorinated Biphenyls (PCB)		
Floodplains		
Wetlands		
Coastal Zone Management		
Endangered Species		
Historic and Cultural Resources		

Acceptance



Information needed but not required for acceptance.



Information required; if data are not forthcoming, acceptance of property is conditional.

Disposal



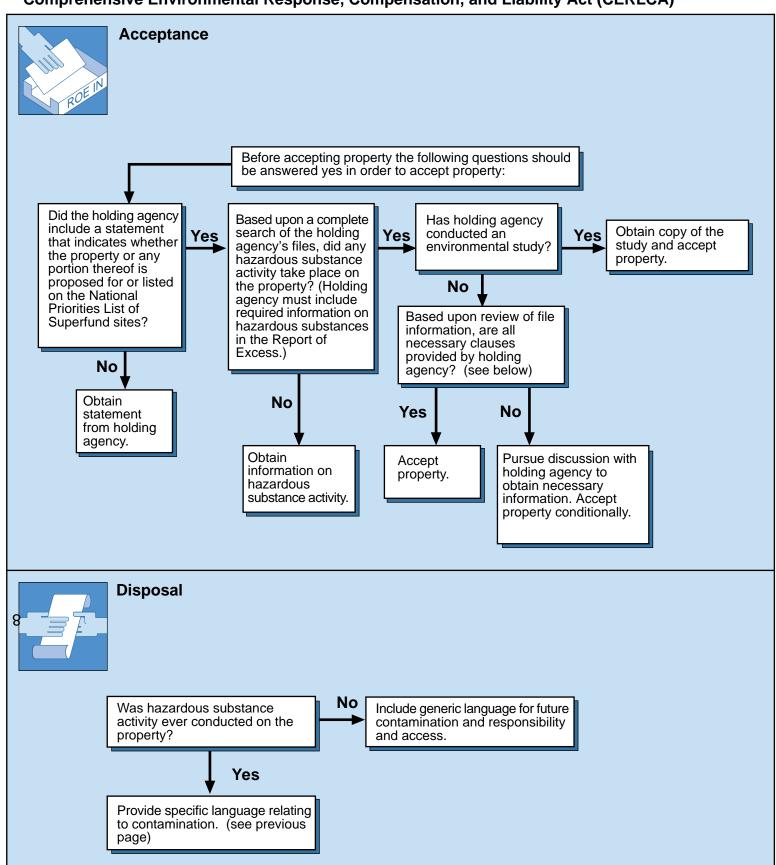
Information needed in file, but language not required in the Invitation for Bids (IFB), Offer to Purchase, or deed.

Language required in IFB or Offer to Purchase.

☑ ☑ ☑ Language required in IFB, Offer to Purchase, and/or deed.

National Environmental Policy Act (NEPA) Acceptance Disposal Did the holding agency comply with National Does the disposal action qualify for a categorical exclusion (CATEX)? Environmental Policy Act (NEPA)? Yes No No Yes Prepare an Document with a Environmental property disposal Assessment (EA) or CATEX checklist. GSA should Accept property and Environmental Impact conditionally accept get information from Statement (EIS). holding agency for file. property on completion of a proper NEPA analysis by holding agency. Are there significant effects on the Yes environment? No Prepare an EIS. Prepare a Finding of No Significant Impact (FONSI). Prepare a Record of Decision (ROD).

Comprehensive Environmental Response, Compensation, and Liability Act (CERLCA)



Acceptance

If the Report of Excess indicates that there was hazardous substance activity on the property, the holding agency must include the

- Information on the type and quantity of such hazardous substance
- Information on the time at which such storage, release, or disposal took place

and one of the following:

- A statement that all remedial action necessary to protect human health and the environment has taken place before date property is declared excess or
- A statement that all remedial action is in place and has been demonstrated to EPA that it is operating "properly and successfully" or
- A statement that if such action has not taken place, when it will be completed and why it has not been completed
- If the Report of Excess states that no hazardous substance activity occurred on the property, the holding agency must include the following language:

[The holding agency] has determined, in accordance with regulations issued by the U.S. Environmental Protection Agency at 40 CFR Part 373, that there is no evidence to indicate that hazardous substance activity took place on the property based on a complete search of agency files.

Note: Hazardous substance activity is defined as the known release or disposal of any hazardous substance or the storage (for one year or more) of an acutely hazardous waste (as listed in 40 CFR 261.30) in quantities of one kilogram (kg) or more; or any hazardous substance in quantities greater than or equal to 1,000 kgs or the hazardous substance's reportable quantity found in 40 CFR 302.4, whichever is greater.

Disposal

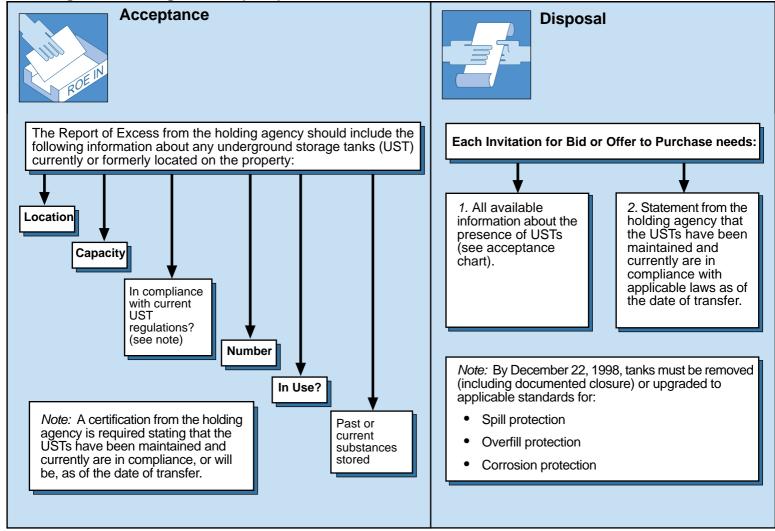
If there was activity involving hazardous substances on the property, the Invitation for Bid must include the following statement:

Notice regarding hazardous substance activity:

- The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h).
- [The holding agency] advises that [provide information on the type (see note) and quantity of hazardous substances; the time at which storage, release, or disposal took place; and a description of the remedial action taken]. All remedial action necessary to protect human health and the environment with respect to the hazardous substance activity has been taken. Any additional remedial action found to be necessary shall be conducted by the United States. In the event remedial action is found to be necessary after the date of transfer, the United States shall have access to the property for such remedial purposes.

Note: Types of hazardous substances includes the names of the hazardous substance; the Chemical Abstracts Services Registry Number (CASRN); the regulatory synonym for the hazardous substance, as listed in 40 CFR 302.4; and the RCRA hazardous waste number specified in 40 CFR 261.30.

Underground Storage Tanks (UST)

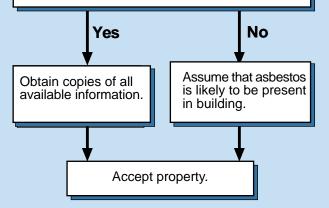


Asbestos



Acceptance

Has the holding agency provided all available information about the condition, type, and location of asbestos incorporated in the construction, repair, or alteration of any building or improvement on the property? Has the holding agency provided a description of any asbestos control measures taken for the property?





Disposal

The Realty Specialist shall incorporate all information from the Report of Excess regarding asbestos in any Invitation for Bids (IFB) or Offers to Purchase and include the language set forth in FPMR 101-47.304-13.

Lead-Based Paint



Acceptance

1. Does the Report of Excess provide an inventory of all buildings constructed or renovated before 1978? Yes No Obtain inventory. 2. Does the report indicate where leadbased paint is located? No Yes Assume leadbased paint is Accept present and property. accept property.

Disposal



Provide in the IFB the notification and disclosure language to alert the bidder to the presence of lead-based paint.

Prospective purchaser must complete and execute the form entitled United States of America ("Seller") Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards and submit it with the bid.

A statement of responsibility must go into the deed and the pamphlet entitled "Protect Your Family From Lead in Your Home" from the U.S. Environmental Protection Agency and the U.S. Consumer Product Safety Commission must be provided to the purchaser. The pamphlets and all documents related to lead-based paint must be provided to the purchaser.

Polychlorinated Biphenyls (PCB)



No

Acceptance

the property does or does not contain governmentowned PCB transformers or other equipment regulated
under 40 CFR 761?

Yes

The Report of Excess should provide an inventory of
all PCB-containing equipment and an assurance that
they are currently and will continue to be maintained by
the holding agency in a state of compliance until the
date of transfer of the property.
(Note: this is the responsibility of the holding agency.)

No

Yes

Accept

Conditionally accept property. Holding agency should

provide inventory of all PCB equipment and assurance regarding compliance if property has government-owned PCB containing equipment.

Property.

Does the Report of Excess contain certification that





If the property has PCB-containing equipment, the IFB or Offer to Purchase must provide a statement that the property does contain such equipment, and that the equipment has been maintained in compliance until the date of transfer (or the date of sale).

Flood Plains



Acceptance

Disposal

Does each Report of Excess include detailed information about any known flood hazards, and a list of citations for all flood-related restrictions on land use under Federal, state, and local regulations? If the property is located in or adjacent to the 100-year floodplain, GSA must review that information in the Report of Excess to ensure compliance with state and local laws.

Ves Yes

Accept property.

No

Conditionally accept property and obtain information.

Note: If property is located in a community that is participating in the National Flood Insurance Program, this information should be readily available.

Screening for disposal is an eight-step decision-making process conducted in accordance with 43 Fed. Reg. 6030 and Executive Order (EO) 11988 that determines whether 1) the property is in a floodplain, 2) the disposal action adversely impacts the floodplain, or indirectly supports development in the floodplain, (see note) and 3) if so, is the disposal action the only practicable alternative?

Has GSA determined that the action is in or affects a floodplain and is the only practicable alternative?

The Realty Specialist must evaluate known reuse against critical actions and identify all those critical actions.

Convey property with deed restrictions or withhold property from conveyance.

The IFB and conveyance document shall reference the Federal, state, or local land use restrictions and include any other appropriate use restrictions.

If the property is being disposed of as a public benefit conveyance, when GSA knows the future land use, information about the floodplain must be included in the assignment letter.

Note: Realty Specialist determines by completing Flood Impact Assessment checklist (if action is considered categorical exclusion under NEPA). If an EA or EIS is being done by GSA, a Flood Impact Analysis must be done concurrent with a NEPA EA or EIS.

Eight-Step Screening Process

- 1. Determine whether the property is in a floodplain or whether its disposal would affect a floodplain or indirectly supports development in the floodplain. Use the Federal Emergency Management Agency's (FEMA) flood hazard boundary map (FHBM), a flood insurance rate map (FIRM), or the best available information to determine whether or not the property is located in or near a floodplain.
- 2. Solicit early public review and identification of restrictions from agencies, organizations, or parties that have jurisdiction over, expertise about, or interest in floodplain management.
- Identify and evaluate action alternatives.
- Identify impacts of the proposed action.
- Issue the decision.
- 6. Minimize effects.
- Publish findings and a public explanation.
- 8. Implement the proposal.

Wetlands



Acceptance

Does the Report of Excess include detailed information regarding any known wetlands including any existing delineations, and a listing of citations to relevant requirement under applicable Federal, state, or local regulations?

Yes No
Accept property.

GSA should use existing information, such as the the appropriate National Wetland Inventory (NWI) map, or GSA may conduct a field investigation to determine whether wetlands are present on the property. Then accept property.

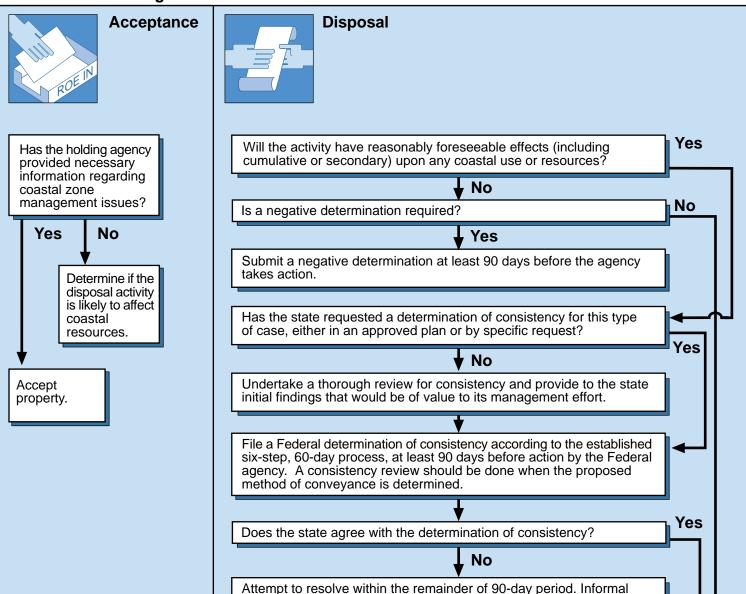


Disposal

If excess real property located partially or entirely in a wetland is proposed for disposal to non-Federal, public or private parties, the IFB and conveyance document must include information about the locations of any wetlands, all restrictions on use of the property found in Federal, state, and local wetlands regulations, and other appropriate use restrictions that GSA believes are advisable to avoid adverse effects to wetlands.

If the property is disposed of as a public benefit conveyance when GSA knows the future land use, information about the presence of wetlands must be included in the assignment letter.

Coastal Zone Management



Note

1. Federal consistency applies when any federal activity regardless of location, directly or indirectly affects any land, water, or natural resources of the coastal zone as amended by CZARA of 1990. No federal activity is exempt from the consistency requirement. The holding agency should be in compliance when transferring property to GSA for disposal.

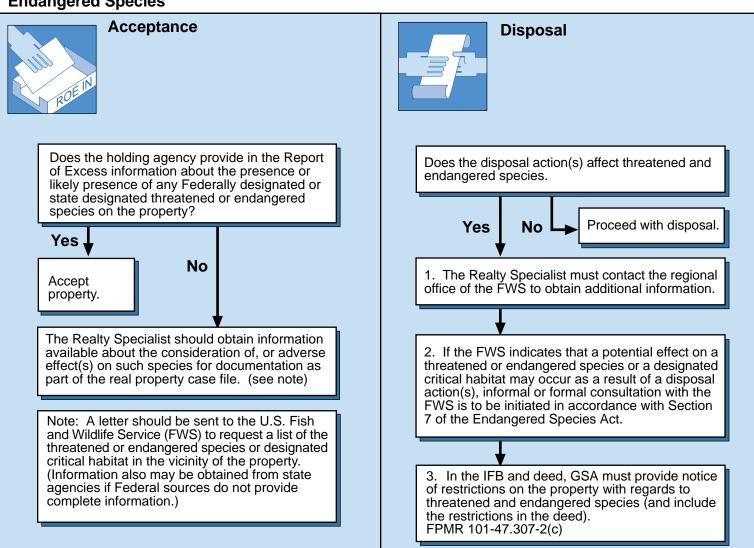
GSA may proceed with disposal of the property.

dispute.

negotiations or Secretarial mediation may be nessesary to resolve

- 2. Designated coastal zones include shorelines of interior lakes (such as the Great Lakes) as well as properties that reside in off-shore ocean waters (such as lighthouses).
- 3. No action is required unless the state has expressed interest in early participation in the federal program, and cooperate when feasible.

Endangered Species



Endangered Species

GSA Realty Specialists must obtain and document any available information regarding consideration of or adverse effects to threatened or endangered species. Where a disposal action might affect such species, the Realty Specialist must contact the regional office of the FWS to obtain additional information. If FWS indicates that there is a potential impact to threatened or endangered species or a designated critical habitat as a result of a disposal action, GSA must initiate informal consultation (concurrence from FWS) or formal consultation (preparation and submission of a Biological Assessment in the case of construction projects) with the FWS in accordance with Section 7 of the Endangered Species Act. In addition, the Realty Specialist must consider threatened or endangered species in the evaluation of disposal alternatives and document this consideration in any NEPA documentation.

Historic and Cultural Resources



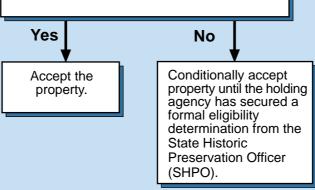
Acceptance

Does the Report of Excess include:

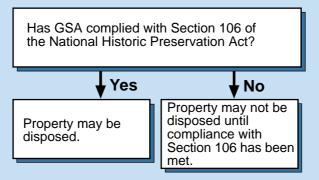
1. A statement about the historical significance of the property, if any, and whether the property is listed, is eligible, or has been nominated for listing in the National Register of Historic Places, or is in proximity to a property on the National Register?

and

2. Any information available about any effort by the public to have the property listed on the National Register?



Disposal





Each IFB and conveyance document must include a statement that sets forth in detail any and all restrictions or requirements imposed on potential purchasers because of the historic significance of the property.

Note: GSA is responsible for conveying properties under historic monument public benefit conveyances.

Section 106 process

The Section 106 process is as follows:

- 1. Identify and evaluate historic properties.
- 2. Assess effects of government actions on historic property.
 - No effect: the undertaking will not affect historic properties
 - No adverse effect: the undertaking will affect one or more historic properties, but the effect will not be harmful
 - Adverse effect: the undertaking will harm one or more historic properties

If an adverse effect is anticipated, consult with SHPO and Advisory Council on Historic Preservation (ACHP) to identify ways to minimize effects of the undertaking. Consultation is designed to result in a Memorandum of Agreement (MOA). If consultation is unproductive, it may be terminated. Agency submits documentation to ACHP to obtain written comments.

- 3. Provide the ACHP an opportunity to comment.
- 4. Proceed under the terms of the MOA. In the absence of an MOA, the agency considers the ACHP's written comments to make its decision about how to proceed.